

MINUTES - UTILITY COMMISSION MEETING

November 2, 2011

MAYOR AND COUNCIL
UTILITIES BOARD MINUTES
November 2, 2011

The Mayor convened the Mayor and Council Utilities Board meeting on the above date at 7:05 P.M. All Councilmembers were present. The Town Manager and Town Attorney were also present.

APPROVAL OF THE MINUTES:

Councilmember Price made a motion to approve the minutes of the Mayor and Council Utilities Board Meeting of October 3, 2011 as presented; Councilmember Nesspor seconded. All in favor, motion carried.

SEWER ALLOCATION REPORT:

The Town Manager read the sewer allocation report into the record.

THE FOLLOWING ITEMS WERE DISCUSSED:

With there being no further business, Councilmember Price made a motion to adjourn at 7:09 p.m.; Councilmember Francis seconded. All in favor; motion carried.

Approved:

Robert E. Willis, Mayor
Olin B. Price, Councilmember
Susan A. Francis, Councilmember
Brian Nesspor, Councilmember
Brian Jones, Councilmember

MAYOR AND COUNCIL
WORKSHOP MINUTES
November 2, 2011

The Mayor convened the Mayor and Council Workshop meeting on the above date at 7:10 P.M.

All Councilmembers were present. The Town Manager and Town Attorney were also present.

APPROVAL OF THE MINUTES:

Councilmember Price made a motion to approve the minutes of the Mayor and Council Workshop Board Meeting of October 3, 2011 as presented; Councilmember Francis seconded. All in favor, motion carried.

THE FOLLOWING ITEMS WERE DISCUSSED:

Ordinance No. 2011-04: Zoning Text Amendment – Expansion of Principal Permitted and Conditional Uses in the Maritime Water-Dependent District was brought up for discussion. The Mayor said this has been talked about amongst this board and this community for quite a few months. And speaking with everyone and the amount of contention this has caused we are going to pull this off the table and it ceases to exist at this point. We will no longer have any discussion in regards to this issue. Councilmember Price made a motion to abandon the Ordinance No. 2011-04 as presented; Councilmember Nesspor seconded. All in favor, motion carried.

The Mayor opened the meeting up for any comments, ideas, or thoughts that might help the town find something to do with this building (The Clam House). Mr. George Jones spoke up and said he was against using the Clam House for anything but for the seafood industry. I don't think it should even be considered to be used for anything else. Mrs. Carol Tinneney spoke and said that she thinks the Clam House should be used for a museum and that the watermen should be allowed to stay there, and partake in some of the benefits that would bring in from it being a museum. The watermen could charge \$25.00 for a ride out on their boats, show them how they crab. My name is Liz Smith, I think there should be a Clam House Committee started that involves (includes) the watermen, the business people, and everyone from the community. We have a lot of people who have great minds that can contribute to this. I would like to see the watermen have a place to keep their boats. I would like to see them have a place where they can bring their catch into, and have a central market place to sell it. The Washington College has a wonderful environmental studies program. I think it would be beneficial if we could combine resources and include an environment studies program with the museum. Mr. Lou Halin spoke and commented on having worked previously with Washington College and what a wonderful experience that was, and how professional and helpful they can be. There are a lot of come here's that know how to do things that can help out, don't be afraid to call on us, we would be more than happy to help out. Mr. Tim Moore stated that the State owns this building, and the town would have to ask the state permission to be able to do anything with this building, is that correct? If the town approaches the state with a proposal for the building will it be turned over to the town? So, if the state approves the town's proposal of whatever, then who has to take care of the maintenance, the electric, and so forth? The Mayor stated that the town takes care of that out

of our budget. David Jones voiced his opinion on turning the Clam House into a museum, and maybe having the waterman's association work together with the town to start a new chapter with this property. Mr. Lou Halin asked if the building is in such bad shape and the museum is moved there, who will be paying for the repair & remodeling of the building for this. The Mayor in turn stated that he thought that the town would want to purchase the property and have ownership of it. When you take into consideration of the square footage of the property on Main Street and the square footage of the Clam House, you have to think about the amount of money you would have to put into that. The second thing is we are not going to own the building and that would be a concern to me at this point. The point of this meeting is to try to come up with something we can do with this building. If you move this project to the waterfront you have to remember that you will lose grant funding because it will no longer be located on the scenic byway. You have to keep in mind the financial responsibility to the town. There could be the possibility of a business renting the Clam House and not need the usage of the slips, so they would in turn allow the waterman to continue usage of the slips. Mrs. Mary Sue Willis spoke of her concern of putting the museum at the Clam House because of storm surges. The Clam House sits on one of the low spots of town, if a surge comes through, what kind of damage would it do to the museum if it were located there? Chucky White asked why the Clam House was not considered to be part of the Scenic Byways. If the interpretation panels are going to be put up at the Bayside Landing and it's considered to be part of the Scenic Byways, I'm not sure I understand why the Clam House then wouldn't be considered part of the Scenic Byways as well. The Mayor stated that Ms. Gail Owings had been following this discussion on the museum and had mentioned to me that there was a grant available to the town that will no longer be available after the ending of this year, the grant is only applicable to the Main Street building and not the waterfront. Chucky White also asked if the commitment the Mayor and Town Manager expressed to him prior to this, would the commitment still be the same no matter what happens. The Mayor stated that just because we took this amendment off the table does not mean that we do not stand behind you, or the businesses or anyone else in the community. One of my comments is to represent all the community. Yes the commitment is there. But we do have a number of issues we need to work on, and a number of issues that require the town's attention. And I think that all these issues can be worked on together with one another. We need to sit here as a community and try to work on these issues together, and not as individual entities. And Chucky agreed, and said that some of these people have had some good ideas here tonight. Anita Gotlieb spoke and said that she appreciated the Mayor and Council taking the amendment off the table. But, some of the issues that some of us had were the lack of data and information that was made available to us. And as I've sat here and listened to this meeting I still have that feeling. People want access to data, and when they don't get it, they think there is something secretly going on. Utilize your town community resources and allow us to help present the facts and figures that we are asking for in regards to these projects. Robert spoke up and said I came here because it's a waterman's town, I believe in it. I like the town atmosphere that's created here. I do not like St. Michaels and that's why I'm here. Let's not mess up the watermen's way of life here. The town does need revenue,

so let's figure out how we can make some money off this building. Mrs. Belinda Carlse said she thought you might find that local people with their expertise in many different areas would be excited to help put something together for that building. She read a couple of descriptions of the town from advertising pamphlets and the town's own website that clearly states that the town is a fishing town on the Eastern Shore. And I don't think you want to lose that. It was suggested by someone in the audience that maybe a committee should be started where ideas can be started and put together to present to the Mayor and Council and then continue from there.

Councilmember Nesspor spoke to the director of the MFCA yesterday, and he made it clear that the MFCA would support the town with whatever decision was made to do with that building. If the town proposed turning it into a motel, they would support that. If the town proposed to turn it into a museum they would support that. The MFCA would support the town in whatever decision they came to in regards to that building. The Mayor asked the Town Manager to explain the history of the property to the audience, and so the tale was told.

Mrs. Joan asked what the possibility would be in having the meetings televised. Are there resources available to the town that we could utilize to allow us to do this? The Mayor said that we have discussed this and think that it would help make things more accessible to the public.

The Mayor read into record the summary of Ordinance No. 2011-05 Chapter 94 (Dogs and Other Animals) of the Code of the Town of Rock Hall – Feral Cats. The Town Attorney stated that the Town's current animal control ordinance is the Counties animal control ordinance. We are piggy backing the Counties ordinance with a few additional elements added to the ordinance and a few elements taken out of the ordinance. Mr. Ed Birkmire stated that the Humane Society currently enforces the ordinance as it is currently written. With the revised version of the ordinance the town authorities will be partially responsible for enforcing the ordinance. Mrs. Holly Childes, from the Really Great Cat Rescue, asked what was going to happen to the cats and how is this going to be enforced. I've helped maintain a feral cat colony here in Rock Hall for twelve (12) years now. There were approximately sixteen (16) cats at this colony, it is now down to five (5). They've all been spade and neutered. We have spent \$72,628.00 in twelve (12) years on spaying and neutering alone; and we have spayed and neutered 1,862 cats, which the vast majority of those cats came from Rock Hall. These figures don't include rabies, and medical expenses. Trap, neuter and return does work, it takes time but it does work. If this ordinance is adopted that will be the end of the Really Great Cat Rescue in Rock Hall. The ordinance currently states that you still plan to catch and return these cats with their ears tipped. Well, what good is that going to do, because they are just going to stay in the area they are released in, they're feral cats that's what they do. Mr. Birkmire stated that in the county we have six (6) registered cat colonies. A registered colony is defined as an owner, someone who is taking care of the colony, has to have the cats registered with the humane society, by name, showing rabies and distemper inoculation, and they have to be current on a regular basis. Right now there are two (2) feral cat colonies in Rock Hall, we're talking about nineteen (19) cats that have registered, there are a lot more than

that here. The Mayor said that it's been brought to the attention of the Council that there are sizable colonies that live in close proximity to neighbors that makes it extremely tough for them. We also at the same time have to be responsible to our citizens. Mrs. Holly stated that if you gather up these cats and take them and drop them off somewhere they have to be taken to somewhere they will be continued to be fed until they can become accustomed to their new surroundings and having to learn to provide for themselves eventually, because if you don't they will travel however long the distance to find their way back to what they consider to be their home and where they are being taken care of (being fed). The Mayor read a letter into record from Mrs. Jeannine Marsey. Mrs. Mary Sue Willis asked if there was a town nuisance law or ordinance that the troubled neighbors can call the town authorities about. The troubled neighbors can trap the cats themselves bring them into the Humane Society, we then in turn contact the responsible party for the feral cat colony and ask them to come in and identify if it is indeed one of their cats. If it is, they are charged \$25.00 to have the cat released into their custody, and taken back to its colony. If the cat is caught again by a neighbor and brought into us, we contact the responsible part of the colony to come back in and pick up their cat again, only this time they will be charged \$50.00 to have the cat released into their custody. The cycle then just continues on. There currently is no town law in regards to feral cat colonies. The Humane Society stated that we really can't say how this ordinance is going to be enforced until we know for sure that his has been passed. When the Mayor and Council pass the ordinance and we have a set of rules and regulations to adhere to from the ordinance then we can sit down with the local authorities and the Mayor and Council, and maybe even the Really Great Cat Rescue can sit down with us to correspond with, to come up with a process of how to proceed with administering this ordinance to the public community. This concludes our public hearing on Ordinance No. 2011-05. On November 10, 2011 the Mayor and Council will vote on Ordinance No. 2011-05 at that time. Until then we will continue to receive correspondence in regards to this matter until 4:30 p. m. on November 10, 2011.

The Solar farm was discussed in further detail. The first thing we have is a copy of a power purchase agreement, and the second is a license agreement. The County and Board of Education have just recently entered into a joint solar energy project with Washington Gas Energy Services and a company called Energy Solar. The procurement that the County put together added an amendment that the local municipalities would be able to enter into a contract of their own because of the Counties and Board of Ed.'s agreement. What's being proposed to Rock Hall is a Solar Array at the lagoon property. This is how the power purchase agreement works, your providing land to Washington Gas to build this Array of solar panels in exchange for the town to promise to buy the electricity that is distributed from these panels. Where the savings comes from is when you compare what you pay today in electricity through Delmarva Power and what you pay, which will be less, through this power purchase agreement. The presumption is that the electricity rates will continue to go up, if the rates should go down and we've promised to buy the electricity from Washington Gas at a fixed rate, but that likely hood is remote, but it is out

there. The license agreement is basically the same as a lease agreement. It's Rock Hall giving a license to Washington Gas to be on that site to do this project, to manage and operate this project for the next twenty (20) years. If anything happens under the power purchase agreement that has to be terminated the license agreement is also terminated. The goal is to get these agreements executed as soon as possible, because these deals work financially for people like Washington Gas who can receive a tax credit for these agreements, but these tax incentives are no longer available to them after the ending of this calendar year. The Mayor asked how the Elementary School and the Board of Ed would factor into this agreement. Under new regulations in the State of Maryland you are able to do a solar project at one location and get credit for the energy at a meter that's not located at that sight. If this project does get approved the next hassle is going to be dealing with Delmarva when they need to approve the connection for this project, because they probably won't cooperate, so we're going to have to make sure they don't drag their feet with this. From here we'll go ahead and put this on the November 10, 2011 meeting agenda. We'll have the board take a look at the agreements between now and then. It may be a good idea to present this project and proposal to the Board of Ed. at their next meeting, which is scheduled for November 7, 2011. Even if the board doesn't approve this project it still won't hurt to approach the Board of Ed. with this project and proposal to see if they would like to be included if the Mayor and Council do happen to approve it.

The Town Manager mentioned that Harbor Woods has been under a number of owners. They have finally accomplished all the projects that they had on hold. There comes a time in every subdivision when you dedicate those roads to the town. They are already our responsibility to begin with, but we will be able to start adding them to the mileage of road the town already gets credit for with the State for highway user funding. You don't ever want to accept a dedication unless you're satisfied with the finished job. And it seems like they have managed to finish the roads to complete satisfactory. There are two stormwater management ponds, all the streets and rights of ways that the town will be accepting with this dedication. The new owners of the subdivision are Clam Cove, LLC, so the dedication will be coming from them as the current owners. The action to be taken tonight by the Mayor and Council for this dedication is to approve the form of deed and authorize the Mayor to sign the deed when it has been returned to us after being executed by them. Councilmember Price made a motion to approve the current form of deed and authorize the Mayor to sign said deed when it is properly returned to us to have signed. Councilmember Jones seconded. All in favor, motion carried.

We have received a bid from Brambles for repair work to Catholic Avenue. They suggest that three (3) inches be milled out with a milling machine, and put three (3) inches of black top back in. The bid is for the cost of \$11,590.00. Councilmember Price asked if we had money in the funds to have this done. The Town Manager stated that we do have the funds. Councilmember Jones asked if we had any other bids. The Town Manager stated that we had taken another bid from someone else, and that's why we have to have it fixed again. You could probably find a

cheaper bid, but that's part of the reason we have to have it fixed now, because we took the low bid the last time it was done. Every patch on that road will be fixed. It's probably been close to eight (8) years since it was last paved. And it just wasn't done right then. Councilmember Price made a motion to contract Brambles at the cost of \$11,590.00 to fix and repair Catholic Avenue. Councilmember Nesspor seconded. All in favor, motion carried.

There were bids presented to the Mayor and Council from restaurants to hold the town's Christmas party at. The board agreed to hold the party on December 2, 2011 at Harbor Shack.

The Mayor asked the Town Attorney about televising the meetings. Through your cable franchise you have access to one channel. You would have to decide which of your constituents are going to have access to it, to stream it through? It's certainly something to think about, and maybe find out what it would take to allow us to do this.

With there being no further business, Councilmember Price made a motion to adjourn at 11:15 p.m.; Councilmember Jones seconded. All in favor; motion carried.

Approved:

Robert E. Willis, Mayor

Olin B. Price, Councilmember

Susan A. Francis, Councilmember

Brian Nesspor, Councilmember